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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/724,546	11/26/2003	Craig Allen Pisaris-Henderson	035567/RUS/2	1864

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EXAMINER

CARLSON, JEFFREY D

ART UNIT

PAPER NUMBER

3622

MAIL DATE

DELIVERY MODE

03/06/2009

PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/724,546

Applicant(s)

PISARIS-HENDERSON ET AL.

Examiner

Jeffrey D. Carlson

Art Unit

3622

Period for Reply -- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 22 December 2008.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-32 is/are pending in the application.
- 4a) Of the above claim(s) 8-10 and 27-29 is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-7, 11-26 and 30-32 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/S508)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date _____
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____

DETAILED ACTION

1. This action is responsive to the papers filed 12/22/2008.

Claim Rejections - 35 USC § 102

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(a) the invention was known or used by others in this country, or patented or described in a printed publication in this or a foreign country, before the invention thereof by the applicant for a patent.

3. **Claims 1-7, 11-26, 30-32 are rejected under 35 U.S.C. 102(b) as being anticipated by Robinson (US20010054001).**

4. Regarding claims 1, 14-16, 19, 20, Robinson teaches systems and method for advertising whereby a client's computer requests an advertisement. An arbitration module provides for the automated selection of an advertiser's ad from a plurality of advertisers and their ads [¶ 0014]. The advertisers submit bids to be used in an electronically automated auction process for selecting the ads [¶ 15, 16]. This is taken to therefore provide a database managing various identified advertisers and their bids (advertising accounts having associated funds at least for the presence of associated monetary bids), as well as a database representing the advertising content to be displayed/linked upon successful advertisement selection by the arbitration module. Robinson also describes an approach where a rotation cycle of bidding advertisers is determined and the next advertiser is chosen in sequence for fulfilling advertising opportunities [¶ 43, 58]. The ad is then displayed for the client, which is taken to meet

the feature of routing the client to the advertising webpage content of the chosen advertiser. This advertising process is clearly responsive to a web page visit which is taken as a "request for advertising". Further this advertising process is taken to be responsive to "an advertising unit selection" as follows. When a user selects a URL to visit in their browser, this is taken to provide selection of that page and its contents and where that page includes advertising, selection of an advertising unit. Further, the display of a URL link (as is consistent with a web-browsing user of Robinson) can also be taken to be an advertising unit which advertises the presence of that site; the user selects such a URL/ad unit and is taken to the content page which includes an advertisement as specified by the bidding process of Robinson.

5. Regarding claims 2-7, 21-26, Robinson teaches that another issue to resolve is the timing of each advertisers desired impressions for their campaigns. The rotation for advertiser selection can be modified so that ads that are being placed ahead of the target schedule can be slowed down [¶ 36, 61, 62, 81, 91]. This provides a determination based on historical rotation as well as bids, Thereby reducing a disparity between historical rotation data (impressions to date for the campaign) and the associated bids. The historical rotation data is comprised of actual participation data that now represents the past. The effect of Robinson can be said to also reduce the disparity between actual data and target participation data.

6. Regarding claims 11-13, 30-32, the advertisement that is displayed is taken to represent a subset of participating (bidding on such a targeted user) advertisers.

Further, where one advertiser outbids all others, a single advertiser can represent the entire list of “participating” advertisers.

7. Regarding claim 17, any content rendered on a computer screen is taken to be “graphical”. The content is processed and displayed by a graphics processor, even if the graphics are evocative of textual information. The pixels collectively forming displayed text represent graphics.

8. Regarding claim 18, the advertising is associated with the advertisers defined URL.

Response To Arguments

9. Applicant argues that Robinson fails to provide the advertising process responsive to either selection of an advertising unit or a request for an advertising unit. As clarified above: This advertising process is clearly responsive to a web page visit which is taken as a “request for advertising”. Further this advertising process is taken to be responsive to “an advertising unit selection” as follows. When a user selects a URL to visit in their browser, this is taken to provide selection of that page and its contents and where that page includes advertising, selection of an advertising unit. Further, the display of a URL link (as is consistent with a web-browsing user of Robinson) can also be taken to be an advertising unit which advertises the presence of that site; the user selects such a URL/ad unit and is taken to the content page which includes an advertisement as specified by the bidding process of Robinson.

10. Applicant argues that Robinson lacks advertiser accounts with associated funds. As clarified above: The advertisers submit bids to be used in an electronically automated auction process for selecting the ads [¶ 15, 16]. This is taken to therefore provide a database managing various identified advertisers and their bids (advertising accounts having associated funds at least for the presence of associated monetary bids), as well as a database representing the advertising content to be displayed/linked upon successful advertisement selection by the arbitration module.

Conclusion

11. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Jeffrey D. Carlson whose telephone number is 571-272-6716. The examiner can normally be reached on Monday-Fridays; off alternate Fridays.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Eric Stamber can be reached on (571)272-6724. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Jeffrey D. Carlson/
Primary Examiner, Art Unit 3622

Jeffrey D. Carlson
Primary Examiner
Art Unit 3622

jdc